

NATURAL RESOURCES COMMISSION

Meeting Minutes

May 21, 2008

Pursuant to the notice filed with the Town Clerk, the meeting of the Natural Resources Commission was held at 141 Keyes Road, Concord, MA at 7:05 p.m. on Wednesday, May 21, 2008. The following Commissioners were present: Alexander Easterday, Chair, Montgomery Lovejoy, George Lewis, Jamie Bemis, and Steve Verrill. Delia Kaye, Natural Resources Administrator, and Cynthia L. Gray, Natural Resources Administrative Assistant, were also present.

CONTINUANCES

NASHOBA BROOKS SCHOOL / ANRAD – 200, 266, 280 Strawberry Hill Road and 3B Macone Farm Lane, **DEP File #137-966** – Confirmation of certain wetland resource area boundaries on the property.

David Crossman of B & C Associates appeared on behalf of the Applicant. Mr. Crossman stated that adjustments to the wetland delineation requested by Natural Resources staff were shown on revised plans now in front of the Commission.

The Commission reiterated its previous position that the Wetlands Regulations do not allow a stream shown as perennial to be regulated as a pond, and noted that the DEP provided comments on this application that if the Applicant wished to provide evidence that the stream in question was intermittent that they would need to provide documentation that the stream was dry for four days in 1-year period.

This hearing was continued until June 4, 2008. Provided that the Applicant's representative submits revised plans reflecting the stream status and these are approved by staff, the Commission will close and issue at the next scheduled meeting on June 4, 2008.

COTT – 599 Monument Street / **NOI** – The proposed project involves demolishing an existing single-family dwelling and constructing a new single-family dwelling, driveway, landscaping improvements and installation of a new septic system within the 100-foot Buffer Zone to Bordering Vegetated Wetland, **DEP File #137-967**

Leland Cott, Applicant and architect, appeared with Gigi Saltonstall and Richard Burck of Richard Burck Associates. The Applicant provided an invasive species management plan since the last meeting that was reviewed by the Natural Resources staff. The Applicant will submit revised plans showing the existing limits of lawn so that maintenance of this area as lawn is clear to all parties following construction. Maintenance of the existing lawn as lawn or meadow will follow the existing tree and shrub line.

This hearing was continued until June 4, 2008. Provided that the Applicant submits revised plans and these are approved by staff, the Commission will close and issue an Order of Conditions at the next scheduled meeting on June 4, 2008.

NEW APPLICATIONS

BALULESCU – 10 Wood Street / **NOI** – Replacing an existing deck and constructing an addition to a single-family dwelling and constructing a driveway within the 200-foot Riverfront Area of the Sudbury River and the 100-foot Buffer Zone to Bordering Vegetated Wetland, DEP File #137-970

David Crossman of B & C Associates appeared with the applicant, Lano Balulescu. Mr. Crossman noted the 30-foot building setback around the premises. The proposed addition consists of approximately 1,500 square feet with a proposed 2 ½ car garage. Grade changes are proposed around the addition. Natural Heritage has been notified, but no comments received to date. This project will also need the approval of the Historic District Commission (HDC). Replantings are proposed. A Special Condition of the Order of Conditions will be for the applicant to obtain HDC approval. The Commission scheduled a site visit to occur on Friday, June 13, 2008 at 9:00 a.m.

This hearing was continued to June 18, 2008.

MEEHAN – 1764 Lowell Road / **RDA#08-04** – Replacing a septic system and landscaping improvements within the 100-foot Buffer Zone to Bordering Vegetated Wetland.

Ben Ewing of Stamski & McNary appeared on behalf of the Applicant. Alexander Easterday noted that he knew the applicant but has no financial or other interest in this hearing. The Commission noted no issues.

George Lewis moved to issue a Negative Determination #3. Steve Verrill seconded. All so voted.

STEPHENS – 48 Ayrshire Lane / **NOI** – Mitigation for extending a retaining wall into the 25-foot No Disturb Zone and after-the-fact landscaping improvements within the 100-foot Buffer Zone to Bordering Vegetated Wetland, **DEP File #137-969**

Brian Butler of Oxbow Associates appeared on behalf of the Applicant. Mr. Butler indicated that the home had been purchased in 2002, and that the new homeowner relocated the existing collapsing retaining wall without being aware that it was set at the 25-foot No Disturb Zone to wetlands. Natural Resources staff responded to the reported violation and the homeowner quickly isolated the potential wetland sedimentation with hay bales.

Natural Resources staff informed the homeowner that typically plantings or other forms of mitigation would be acceptable for this type of violation, but that the site was constrained and that if he was not willing to relocate the wall, that he would need to seek alternate, creative mitigation.

Mr. Butler informed the Commission that the proposed mitigation would be to control purple loosestrife at the Mill Brook Conservation land. Initially, the Applicant sought to provide control locally at conservation land on Jennie Duggan swamp, noting that his property does not contain much wetland and therefore contains little opportunity for purple loosestrife control. Both Natural Resources staff and the Sudbury Valley Trustees, owners of conservation land in the area, were receptive to the idea but the Applicant found that these lands contained very little acreage infested with purple loosestrife. The Mill Brook conservation land was therefore selected

as the mitigation site. The Commission supported this mitigation plan and requested a work plan detailing the methods for release and monitoring success.

This hearing was continued to June 4, 2008.

CERTIFICATES OF COMPLIANCE/PARTIAL CERTIFIES OF COMPLIANCE

GALLAGHER (Partial) – Lot 1A Macone Farm Lane, DEP File #137-821

Jamie Bemis moved to issue a Partial Certificate of Compliance. Steve Verrill seconded. All so voted.

REQUEST TO AMEND

FRIEDEL – 124 Farmer's Cliff Road, DEP File #137-900

Ben Ewing of Stamski & McNary appeared together with the applicant, Mark Friedell. Mr. Ewing noted that a new house footprint was proposed but the grading would remain about the same with decreased impervious surface.

This hearing was continued to June 4, 2008 at which time the Commission expects to close and issue an Amended Order of Conditions.

CLOSE HEARINGS/ISSUE PERMITS

CNC BUILDERS, INC. (Farnsworth) / Amended Order – 35 Macone Farm Lane, DEP File #137-821

Montgomery Lovejoy moved to close the hearing. Jamie Bemis seconded. All so voted. Montgomery Lovejoy moved to issue an Amended Order of Conditions. Steve Verrill seconded. All so voted.

OTHER BUSINESS

Umphrey Forest Stewardship Plan – Red Coat Lane – The Umpheys submitted a Forest Stewardship Plan for property at Red Coat Lane. This property is not in Chapter 61A. Delia Kaye reported that there is a violation of the existing Order of Conditions (DEP File No. 137-851) as the approved swale does not appear to have been constructed, and the sideslope on the other side of the driveway has been extended into the 25-foot NDZ. Runoff appears to flow onto the neighbor's property. The Commission requested that she send a violation letter to the Umpheys. One Commissioner noted that machinery is located on the neighbor's property, and that the trees planted along the driveway have died.

There is an existing trail that is currently used as a footpath. Trees would be removed to install a trail. The Umphey's have an approved Forest Stewardship plan from the State. The Commission discussed the past issues incurred with the applicant's prior Notice of Intent filing, and voiced

concern with permitting work (tree removal) within the 50-foot No Disturb Zone established under DEP File No. 137-851.

Marabello Farm/Boston Bark Update – The Commission discussed the potential wetland violation at the north property line from the compost piles. Dinny McIntyre of the Board of Selectman has requested the Agricultural Committee investigate this matter. The Wright Farm neighborhood has contacted Representative Corey Atkins. The Commission discussed scheduling a site visit.

Bruce Freeman Rail Trail – Request for Superseding Order of Resource Area Delineation, DEP File #137-948 – Natural Resources staff has not received any formal correspondence from DEP to date.

Heywood Meadow Usage Guidelines – Delia Kaye reported that the Heywood Meadow Stewardship Committee approved a Heywood Meadow Usage Guidelines document on May 8, 2008 that recommends that the Commission not permit large groups on the meadow.

March 19, 2008 meeting minutes – Jamie Bemis moved to approve the March 19, 2008 meeting minutes as written. George Lewis seconded. All so voted.

April 2, 2008 meeting minutes – Steve Verrill moved to approve the April 2, 2008 meeting minutes as amended. Jamie Bemis seconded. All so voted.

April 9, 2008 meeting minutes – Montgomery Lovejoy moved to approve the April 9, 2008 meeting minutes. Steve Verrill seconded. All so voted.

April 16, 2008 meeting minutes – Steve Verrill moved to approve the April 16, 2008 meeting minutes as amended. Jamie Bemis seconded. All so voted.

NRC Member Terms – Alexander Easterday's term will expire at the end of May 2008, however, he is seeking approval to continue to serve until the next Town Meeting in May 2009.

This meeting adjourned at 9:45 p.m.

Respectfully submitted,

Delia R. J. Kaye, Natural Resources Administrator

Cynthia L. Gray, Natural Resources Administrative Assistant